

31A-17-201 Qualified assets.

- (1) Except as provided under Subsections (3) and (4), only the qualified assets listed in Subsection (2) may be used in determining the financial condition of an insurer, except to the extent an insurer has shown to the commissioner that the insurer has excess surplus, as defined in Section 31A-1-301.
- (2) For purposes of Subsection (1), "qualified assets" means:
 - (a) any of the following acquired or held in accordance with Sections 31A-18-105 and 31A-18-106:
 - (i) an investment;
 - (ii) a security;
 - (iii) property; or
 - (iv) a loan;
 - (b) the income due and accrued on an asset listed in Subsection (2)(a);
 - (c) assets other than an asset listed in Subsection (2)(a) that are determined to be admitted in the Accounting Practices and Procedures Manual, published by the National Association of Insurance Commissioners; and
 - (d) other assets authorized by the commissioner by rule.
- (3)
 - (a) Subject to Subsection (5) and even if the assets could not otherwise be counted under this chapter, assets acquired in the bona fide enforcement of creditors' rights may be counted for the purposes of Subsection (1) and Sections 31A-18-105 and 31A-18-106:
 - (i) for five years after the acquisition of the assets if the assets are real property; and
 - (ii) for one year if the assets are not real property.
 - (b)
 - (i) The commissioner may allow reasonable extensions of the periods described in Subsection (3)(a), if disposal of the assets within the periods given is not possible without substantial loss.
 - (ii) Extensions under Subsection (3)(b)(i) may not, as to any particular asset, exceed a total of five years.
- (4) Subject to Subsection (5), and even though under this chapter the assets could not otherwise be counted, assets acquired in connection with mergers, consolidations, or bulk reinsurance, or as a dividend or distribution of assets, may be counted for the same purposes, in the same manner, and for the same periods as assets acquired under Subsection (3).
- (5) Assets described under Subsection (3) or (4) may not be counted for the purposes of Subsection (1), except to the extent they are counted as assets in determining insurer solvency under the laws of the state of domicile of the creditor or acquired insurer.

Amended by Chapter 252, 2003 General Session